

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> GEORGE N. WETZEL		<b>DEFENDANTS</b> NCO FINANCIAL SYSTEMS, INC.	
(b) County of Residence of First Listed Plaintiff _____ (c) Attorney's (Firm Name, Address, Telephone Number and Email Address) Craig Thor Kimmel, Esquire Kimmel & Silverman, P.C. 30 E. Butler Pike Ambler, PA 19002 (215) 540-8888		County of Residence of First Listed Defendant _____  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.  Attorneys (If Known)	
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5	
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6	
<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)			
<b>CONTRACT</b>		<b>TORTS</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<b>PERSONAL INJURY</b>	
<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury		<b>PERSONAL INJURY</b>	
<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<b>PERSONAL PROPERTY</b>	
<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		<b>PROPERTY</b>	
<input type="checkbox"/> 390 Other		<b>FOREIGN/INTERSTATE</b>	
<b>REAL PROPERTY</b>		<b>CIVIL RIGHTS</b>	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Torts Product Liability <input type="checkbox"/> 290 All Other Real Property		<b>PRIORITIES/PETITIONS</b>	
<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		<b>PRISONER PETITIONS</b>	
<input type="checkbox"/> 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		<b>FORFEITURE/PENALTY</b>	
<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other		<b>BANKRUPTCY</b>	
<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp. Ret. Inc. Security Act		<b>PROPERTY RIGHTS</b>	
<input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g))		<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		<b>FEDERAL TAX SUITS</b>	
<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		<b>IMMIGRATION</b>	
<b>V. ORIGIN</b> (Place an "X" in One Box Only)		<b>VI. CAUSE OF ACTION</b> Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <b>15 U.S.C SECTION 1692</b> Brief description of cause: Fair Debt Collection Practices Act	
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
<b>VIII. RELATED CASE(S)</b> (See instructions):		<b>DEMANDS</b> JUDGE _____  Explanation: <i>4/15/11</i>	
<b>DATE</b>		<b>SIGNATURE OF ATTORNEY OF RECORD</b>	

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

George N. Wetzel | : CIVIL ACTION  
v. | :  
NCO Financial Systems, Inc. | : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/15/11  
Date

Craig Thor Kimmel  
Attorney-at-law

George N. Wetzel  
Attorney for

215-540-8888

877-788-2804

Kimmel@creditlaw.com

Telephone

FAX Number

E-Mail Address

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2813 Avenue J, Santa Fe, TX 77510

Address of Defendant: 507 Prudential Rd., Hinsdale, PA 19044

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multidistrict litigation possibilities?

Yes  No

*RELATED CASE, IF ANY:*

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes  No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes  No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes  No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)**

*A. Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases 15 U.S.C. 1692  
(Please specify)

*B. Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

(Check Appropriate Category)

I, Craig Thar Kimmel, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/15/11

Craig Thar Kimmel

Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/15/11

Craig Thar Kimmel

Attorney-at-Law

57100

Attorney I.D.#

**UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

GEORGE N. WETZEL,  
Plaintiff  
v.  
NCO FINANCIAL SYSTEMS, INC.,  
Defendant  
)

)  
)  
)  
)  
)  
)  
Case No.:  
)  
)  
)  
)  
)  
)  
COMPLAINT AND DEMAND FOR  
JURY TRIAL  
)  
(Unlawful Debt Collection Practices)

## COMPLAINT

GEORGE N. WETZEL ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C.,  
alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

## **INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

24       3.     Defendant conducts business and has an office in the Commonwealth of  
25 Pennsylvania and therefore, personal jurisdiction is established.

- 1       4.     Venue is proper pursuant to 28 U.S.C. § 1331(b)(1).
- 2       5.     Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.
- 3
- 4

#### PARTIES

5       6.     Plaintiff is a natural person residing in Philadelphia, Pennsylvania, 19151.  
6  
7       7.     Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C.  
8  
9       §1692k(a), and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec 22, 2000).

10      8.     Defendant is a national debt collection company with its corporate headquarters  
11     located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

12      9.     Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6),  
13     and repeatedly contacted Plaintiff in an attempt to collect a debt.

14      10.    Defendant acted through its agents, employees, officers, members, directors,  
15     heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### PRELIMINARY STATEMENT

16  
17      11.    The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute,  
18     which prohibits a catalog of activities in connection with the collection of debts by third parties.  
19  
20     See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that  
21     violates its provisions, and establishes general standards of debt collector conduct, defines abuse,  
22     and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the  
23     FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and  
24     misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or  
25     unconscionable conduct, both generally and in a specific list of disapproved practices.

1       12. In particular, the FDCPA broadly enumerates several practices considered  
2 contrary to its stated purpose, and forbids debt collectors from taking such action. The  
3 substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may not  
4 engage in any conduct the natural consequence of which is to harass, oppress, or abuse any  
5 person in connection with the collection of a debt.” 15 U.S.C. § 1692d. Second, a “debt  
6 collector may not use any false, deceptive, or misleading representation or means in connection  
7 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use  
8 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.  
9 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there  
10 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which  
11 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in  
12 connection with the collection of a debt.

14       13. In enacting the FDCPA, the United States Congress found that “[t]here is  
15 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many  
16 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,  
17 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress  
18 additionally found existing laws and procedures for redressing debt collection injuries to be  
19 inadequate to protect consumers. 15 U.S.C. § 1692b.

20       14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt  
21 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection  
22 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt  
23 collection practices are not competitively disadvantaged, and to promote consistent State action  
24 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

## **FACTUAL ALLEGATIONS**

15. Defendant and others it retained began in or around May 2010 constantly and continuously placing harassing and abusive collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt of another person.

16. Upon information and belief, the alleged debt Defendant was seeking to collect arose out of transactions, which were primarily for personal, family, or household purposes.

17. Defendant placed calls to Plaintiff's home telephone.

18. Defendant identified the debtor as an individual with the same last name as Plaintiff.

19. Plaintiff spoke with Defendant and others it retained on numerous occasions to advise that the person they were looking for did not live with him, that he did not know the individual Defendant was attempting to contact, that Defendant had the wrong telephone number, and not to contact him anymore.

20. Despite Plaintiff's instructions not to contact him, Defendant continued to contact Plaintiff in its attempts to collect a debt of another person.

21. Plaintiff received phone calls and voice messages from Defendant on a number of occasions, including but not limited to, calls on: (1) June 30, 2010, at 1:08 p.m., 6:33 p.m., 8:24 p.m., and 8:48 p.m.; (2) July 1, 2010, at 8:39 a.m., 1:12 p.m., 6:28 p.m., 6:55 p.m., and 8:16 p.m.; (3) July 2, 2010, at 8:35 a.m.; 12:07 p.m., 3:32 p.m., 5:33 p.m., 6:15 p.m., and 8:54 p.m.; (4) July 3, 2010, at 3:14 p.m. and 7:40 p.m.; (5) July 4, 2010, at 1:16 p.m., 4:42 p.m., 5:43 p.m., 6:23 p.m., 7:57 p.m., and 8:48 p.m.; (6) July 5, 2010, at 9:00 a.m., 10:56 a.m., 1:57 p.m., 3:36 p.m., 5:54 p.m., 6:46 p.m., 8:14 p.m., and 8:42 p.m.; (7) July 6, 2010, at 8:15 a.m., 10:00 a.m., 3:24 p.m., 5:12 p.m., and 7:22 p.m.; (8) July 7, 2010, at 8:15 a.m., 9:53 a.m., 2:35 p.m., 4:09

1 p.m., 6:48 p.m., 7:35 p.m., and 8:16 p.m.; and (9) July 8, 2010, at 8:18 a.m. and 9:42 a.m.

2 22. Plaintiff received telephone calls from the following phone numbers: (800) 260-  
3 5570 and (703) 656-9956, which the undersigned has confirmed belong to Defendant.

4 23. Defendant placed repeated calls to Plaintiff's telephone almost every day, causing  
5 him to receive, on average, more than two (2) collection calls a day, and at times, more than four  
6 (4) collection calls a day.

7 24. Defendant caused Plaintiff to receive more than twenty (20) collection calls a  
8 month for another person's debt.

9 25. In addition, on one occasion when Plaintiff spoke with Defendant, Defendant  
10 threatened Plaintiff that it would contact the Sheriff if he did not pay the alleged debt.

12 26. Plaintiff told Defendant to go right ahead and call the Sheriff because he wanted  
13 to speak to the Sheriff about Defendant's harassing calls.

14 27. To date, despite threats to the contrary, Defendant has not called the Sheriff or  
15 taken other legal action against Plaintiff; thereby indicating it did not intend to take the action  
16 previously threatened.

17 28. As a result of Defendant's repetitive, harassing telephone calls, Plaintiff changed  
18 his telephone number.

19 29. However, Defendant obtained Plaintiff's new telephone number and continued to  
20 make continuous and repeated telephone calls to Plaintiff's in an attempt to collect a debt for  
21 another person.

23 30. Plaintiff sought legal counsel in order to get Defendant's telephone calls to stop.

24 31. On July 16, 2010, on behalf of Defendant, the undersigned sent a Letter of  
25 Representation to Defendant demanding Defendant cease and desist from any further contact

1 with Plaintiff. A true and correct copy of the July 16, 2010 letter is attached hereto as Exhibit  
2 "A".

3 32. Between July 16, 2010, and July 21, 2010, Plaintiff received at least eight (8)  
4 more telephone calls from Defendant.

5 33. The repetitive calls to Plaintiff were disturbing, harassing, and an invasion of  
6 privacy.

7 34. Defendant failed to investigate or verify contact information prior to and after  
8 calling Plaintiff.

9 35. Defendant failed to update its records to avoid further harassment of Plaintiff.

11  
12 **CONSTRUCTION OF APPLICABLE LAW**

13 36. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &  
14 Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes strict liability, a consumer  
15 need not show intentional conduct by the debt collector to be entitled to damages." Russell v.  
16 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233  
17 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector's legal status  
18 violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

19 37. The FDCPA is a remedial statute, and therefore must be construed liberally in  
20 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The  
21 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit  
22 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the  
23 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be  
24

construed liberally in favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

38. The FDCPA is to be interpreted in accordance with the "least sophisticated" consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not "made for the protection of experts, but for the public - that vast multitude which includes the ignorant, the unthinking, and the credulous, and the fact that a false statement may be obviously false to those who are trained and experienced does not change its character, nor take away its power to deceive others less experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it ensures protection of all consumers, even naive and trusting, against deceptive collection practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at 1318.

**COUNT I**  
**DEFENDANT VIOLATED THE**  
**FAIR DEBT COLLECTION PRACTICES ACT**

39. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or more of the following ways:

- a. Defendant violated of the FDCPA generally;
  - b. Defendant violated §1692b(2) of the FDCPA by informing Plaintiff that another person owed a debt;
  - c. Defendant violated §1692b(3) of the FDCPA by calling Plaintiff more than once in connection for the collection of a debt for another individual;
  - d. Defendant violated §1692c(a)(2) of the FDCPA by communicating with

1 Plaintiff after Defendant was made aware that Plaintiff is represented by an  
2 attorney;

- 3 e. Defendant violated §1692c(b) of the FDCPA by communicating with Plaintiff  
4 about a debt allegedly owed by another individual;
- 5 f. Defendant violated §1692d of the FDCPA by harassing Plaintiff in  
6 connection with the collection of an alleged debt;
- 7 g. Defendant violated §1692d(5) of the FDCPA, when it caused Plaintiff's  
8 telephone to ring repeatedly or continuously with the intent to harass, annoy  
9 or abuse Plaintiff;
- 10 h. Defendant violated §1692e of the FDCPA by using false, deceptive, or  
11 misleading representations or means in connection with the collection of a  
12 debt;
- 13 i. Defendant violated §1692e(5) of the FDCPA by threatening to take action  
14 that cannot legally be taken or that is not intended to be taken;
- 15 j. Defendant violated §1692f of the FDCPA by using unfair and unconscionable  
16 means with Plaintiff to collect or attempt to collect a debt;
- 17 k. Defendant violated §1692f(1) of the FDCPA by collecting an amount not  
18 expressly authorized by the agreement creating the debt or permitted by law;  
19 and
- 20 l. Defendant acted in an otherwise deceptive, unfair and unconscionable manner  
21 and failed to comply with the FDCPA.
- 22
- 23
- 24
- 25

1 WHEREFORE, Plaintiff, GEORGE N. WETZEL, respectfully prays for a judgment as  
2 follows:

- 3 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §  
4 1692k(a)(1);  
5 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
6 15 U.S.C. § 1692k(a)(2)(A);  
7 c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
8 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and  
9 d. Any other relief deemed appropriate by this Honorable Court.

11  
12 **DEMAND FOR JURY TRIAL**

13 PLEASE TAKE NOTICE that Plaintiff, GEORGE N. WETZEL, demands a jury trial in  
14 this case.

15 DATED: 4/15/11

16 RESPECTFULLY SUBMITTED,

17 KIMMEL & SILVERMAN, P.C.  
By: \_\_\_\_\_

18 Craig Thor Kimmel  
19 Attorney ID # 57100  
Kimmel & Silverman, P.C.  
20 30 E. Butler Pike  
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CRAIG THOR KIMMEL<sup>\*\*</sup>  
ROBERT M. SILVERMAN<sup>\*</sup>

<sup>\*</sup>Member, PA Bar  
<sup>\*</sup>Member, NJ Bar  
<sup>\*</sup>Member, DE Bar  
<sup>\*</sup>Member, NY Bar  
<sup>\*</sup>Member, MA Bar  
<sup>\*</sup>Member, MD Bar  
<sup>\*</sup>Member, OH Bar  
<sup>\*</sup>Member, MI Bar  
<sup>\*</sup>Member, NH Bar  
<sup>\*</sup>Member, CT Bar  
<sup>\*</sup>Member, TN Bar

JACQUELINE C. HERNAN<sup>\*\*</sup>  
ROBERT A. RAPKIN<sup>\*</sup>  
AMYL BENNECOFF<sup>\*</sup>  
TARA L. PATTERSON<sup>\*</sup>  
ANGELA K. TROCCOLI<sup>\*</sup>  
KATE O. SHUMAKER<sup>\*</sup>  
CHRISTINA GILL ROSENMAN<sup>\*</sup>  
FRED DAVIS<sup>\*</sup>  
RICHARD A. SCHOLER<sup>\*</sup>

  
**KIMMEL & SILVERMAN**

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**NEW JERSEY**, Executive Quarters, 1930 E. Marlton Pike, Suite Q29, Cherry Hill, NJ 08003, (856) 429-8334

**NEW YORK**, 1001 Avenue of the Americas, 12th Floor, New York, NY 10018, (212) 719-7543

**WESTERN DISTRICT OF NY**, 1207 Delaware Avenue, Suite 440, Buffalo, NY 14209, (716) 332-6112

**W. PENNSYLVANIA**, 210 Grant Street, Suite 202, Pittsburgh, PA 15219, (412) 566-1001

Please reply to CORPORATE HEADQUARTERS

July 16, 2010

**CERTIFIED MAIL**

Shannon M. Geier, Esq.  
Sessions, Fishman, Nathan & Israel, P.C.  
55 West Monroe St., Suite 1120  
Chicago, IL 60603

**RE: Wetzel, George v. NCO Financial Systems**

SS#, last four:

Dear Ms. Geier:

Please be advised that we represent the above-named individual regarding claims against your company pursuant to the Federal Fair Debt Collection Practices Act, 15 U.S.C 1692, et seq. and State law. Having been formally notified of representation, we respectfully demand you not contact our client for any reason. Instead, please direct all future contact and correspondence to our attention only. We reserve the right to seek injunctive relief should you fail to honor these directives.

**THIS LETTER ALSO SERVES AS NOTICE TO IMMEDIATELY CEASE AND DESIST CONTACTING OUR CLIENT** with respect to the collection or attempted collection of any debt, pursuant to the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692b(6) and 1692c(b), et seq. There to be absolutely no calls, letters, or other communications whatsoever by any debt collector. Do not contact our client at home, at work, by cellular phone, by mail or otherwise.

"When Debt Collectors Called you, they never expected you to call us"  
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Based upon the information received to date, an FDCPA claim is being prepared and will be filed against your company without further advance notice. You may if desired, contact us to discuss the matter but in any event, do not attempt to communicate with our client directly.

Sincerely,

/s/ Craig Thor Kimmel

Craig Thor Kimmel  
Kimmel & Silverman, P.C.